

FORM PTO-1390
(REV 10-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

P/3653-7

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/890,487

INTERNATIONAL APPLICATION NO.

PCT/AU00/00058

INTERNATIONAL FILING DATE

February 2, 2000

PRIORITY DATE CLAIMED

February 2, 1999

TITLE OF INVENTION

A Reflux Classifier

APPLICANT(S) FOR DO/EO/US

Kevin Patrick Galvin

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
- ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addresses (mail label)
EL855846830US in an envelope addressed to:
 Asst. Commissioner for Patents, Washington, D.C. 20231,
 on October 23, 2001.

Print EFS Form

01/17/2002 UEDUVIJE 00000067 09890487

01 FC:204

65.00 OP

Dorothy Jenkins

Name of Person Mailing Correspondence

Dorothy Jenkins
 Signature

October 23, 2001

Date of Signature

00/800,487

PCT/AU00/00058

P/3653-7

21. ☒ The following fees are submitted:

CALCULATIONS PTO USE ONLY

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482)

nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO

and International Search Report not prepared by the EPO or JPO \$1040.00

International preliminary examination fee (37 CFR 1.482) not paid to

USPTO but International Search Report prepared by the EPO or JPO \$890.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO

but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$65.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	- 20 =		x \$18.00	\$
Independent claims	- 3 =		x \$84.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$

TOTAL OF ABOVE CALCULATIONS =

\$

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above
are reduced by 1/2.

\$65.00

SUBTOTAL =

\$65.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$40.00

TOTAL FEES ENCLOSED =

\$105.00

Amount to be
refunded:

\$

charged:

\$

a. ☒ A check in the amount of \$ 105.00 to cover the above fees is enclosed. Check No. 06972b. ☐ Please charge my Deposit Account No. 06972 in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 15-0700. A duplicate copy of this sheet is enclosed.d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card
information should not be included on this form. Provide credit card information and authorization on PTO-2038.**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, NY 10036-8403

Tel: (212) 382 0700

SIGNATURE

Robert C. Faber
NAME

24,322

REGISTRATION NUMBER

Rec'd PCT/PTO 23 OCT 2001

OFGS File No.: P/3653-7

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kevin Patrick Galvin

Serial No.: 09/890,487

Filed: February 2, 2000

For: A REFLUX CLASSIFIER

Date: October 23, 2001

Group Art Unit: Not Yet Assigned

Attention: Refund Section Accounting Division Office of Finance
Asst. Commissioner of Patents and Trademarks
Washington, DC 20231

REQUEST FOR REFUND BASED ON
SMALL ENTITY STATUS

Sir:

Pursuant to 37 C.F.R. §1.28, it is requested that a refund be granted in the amount of \$500,
the amount overpaid on July 31, 2001 for filing the above application.

Small entity status is claimed.

It is requested that the refund be deposited to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
Express Mail Post Office to Addressee (mail label
#EL855846830US) in an envelope addressed to:
Asst. Commissioner for Patents, Washing-ton, D.C.
20231, on October 23, 2001

Dorothy Jenkins

Name of applicant, assignee or
Registered Representative



Signature

October 23, 2001

Date of Signature

Respectfully submitted,



Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Kevin Patrick Galvin
Serial No.: 09/890,487
Filed: February 2, 2000
For: A REFLUX CLASSIFIER

Rec'd PCT/PTO 23 OCT 2001
Date: October 23, 2001
Group Art Unit: Not Yet Assigned
Examiner: Not Yet Assigned

Asst. Commissioner of Patents and Trademarks
Washington, DC 20231
Attention: Application Branch

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

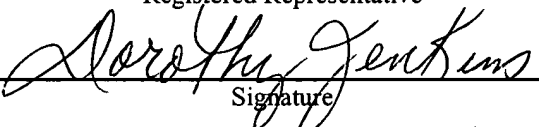
Sir:

In response to the Notification of Requirements Under 35 U.S.C. 371, mailed August 30, 2001, submitted herewith is the Inventor(s) Declaration and our Check No. 06972 which includes the amount of \$65.00 for Small Entity in payment of the surcharge. Also enclosed is a corrected Print EFS form amending the inventor's address.


In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account #15-0700.

If this communication is filed after the time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EL855846830US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on October 23, 2001

Dorothy Jenkins
Name of applicant, assignee or
Registered Representative

Signature
October 23 2001
Date of Signature

Respectfully submitted,


Robert C. Faber
Registration No.: 24,322
OSTROLENK, FABER, GERB & SOFFEN,
LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

BEST AVAILABLE COPY

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/890487	GALVIN K	P/3653-7
OFGS FILE No. <u>P/3653-7</u>		INTERNATIONAL APPLICATION NO.
ROBERT C FABER OSTROLENK FABER GERB & SOEFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 10036 8469		PCT/AU00/00058
I.A. FILING DATE		PRIORITY DATE
02 FEB 00		02 FEB 99
DATE MAILED: 30 AUG 2001		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventor(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Barbara A. Campbell

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3631